



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/654,321 | 09/03/2003 | Susan Vasana | U0568.11.U | 4435 |

7590 02/19/2008
Matthew W. Baca
Rogers Towers, P.A.
Suite 1500
1301 Riverplace Boulevard
Jacksonville, FL 32207

| |
|----------|
| EXAMINER |
|----------|

VO, DON NGUYEN

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2611

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/654,321

Applicant(s)

VASANA, SUSAN

Examiner

DON N. VO

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,11-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,11-14,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the Amendment filed on 02/04/2008.
2. Based on the telephone interview on 02/01/2008, the examiner indicated that the finality of the Office Action would be withdrawn. However, the examiner is respectfully not agreed with the applicant's assertion that the examiner has indicated the claims would be allowable. Therefore, the finality of the Office Action mailed 09/05/2007 is now withdrawn and the prosecution of the instant application is now reopened.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-9, 11-14, 16 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of "may be" recited in claim 1, line 10 is vague and indefinite because it is not a positive limitation. It is suggested to change to – is --.

Similar problem exists for the same recitation recited in claim 11, last line.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5-9, 11-14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Shihabi et al (US 5,452,331; newly cited art).

Regarding claims 1-3, 5-9, 11-14, 16 and 17, Shihabi, as shown in figures 2a-3b, teaches a method and apparatus for decoding a Manchester coded signal comprising integrating (figs. 2a & 2b: 21, 22 and figs. 3a & 3b: 30) the encoded input signal over half-symbol period and generating the difference (figs. 2a & 2b: 26 and figs. 3a & 3b: 35) which the difference may be used for determining (figs. 2a & 2b: 27, 28; and figs. 3a & 3b: 35, 36) the logic value of the encoded signal. See also column 1, line 52 to column 2, line 13 and column 5, lines 3-55. Although, Shihabi does not explicitly teaches the Manchester code being characterized as having logic value encoded as a mid-symbol transition between a first and second half-symbol signal components. However, such characteristic of having logic value encoded as a mid-symbol transition between first and second half-symbol signal components is inherent and fundamental property of the Manchester code. Applicant has also admitted this fundamental characteristic on pages 1-3 of the instant application.

Claim Rejections. 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shihabi et al (US 5,452,331; newly cited art) in view of Kobayashi et al (US 4,596,011).

Shihabi teaches a subject matter claimed except for specifying the biphase encoded signal is modulated as ASK, FSK, or PSK as recited. However, it is well known in the art of digital communications to modulate the biphase encoded signal such as Manchester code using any type of the mentioned modulation scheme. See Kobayashi et al: column 3, lines 51-61 and page 6, lines 26-31 of the instant also admits such well known modulations. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shihabi et al for receiving and processing the biphase encoded signal which is modulated by ASK, FSK, or PSK as taught by Kobayashi or the admitted prior art since such modulations are well known in the art of digital communications and are just alternative ways of modulating the biphase encoded signal or Manchester code as long as the modulation scheme is compatible with the biphase encoding or Manchester encoding.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON N. VO whose telephone number is (571) 272-3018. The examiner can normally be reached on Mon-Fri (9:00AM - 6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOHAMMAD GHAYOUR can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DON N. VO
Primary Examiner
Art Unit 2611